



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Broudy and Lin

Serial No.: 08/011,078

Group No.: 1806

Filed: January 29, 1993

Examiner: Hutzell

For: Monoclonal Antibodies to Stem Cell Factor Receptors

Commissioner of Patents and Trademarks

Washington, D.C. 20231

DECLARATION OF BIOLOGICAL CULTURE DEPOSIT

I, Virginia C. Broudy
(Name of Applicant or Assignee or Assignee's representative)

hereby declare:

1. That the following culture(s) referred to in the specification of this application have been deposited:

| | |
|-----------------------------|-----------------------------|
| <u>BA7.3C.9</u> | <u>HB 10716</u> |
| strain | accession number |
| <u> </u> | <u> </u> |
| strain | accession number |
| <u> </u> | <u> </u> |
| strain | accession number |
| <u> </u> | <u> </u> |
| strain | accession number |

2. That the date of the above deposit is:

(check appropriate item below)

- ☒ before the U.S. filing date of this application.
- ☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

CERTIFICATION OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

(check and complete appropriate item below):

☒ 37 CFR 1.8(a)
with sufficient postage
as first class mail

or

☐ 37 CFR 1.10
as "Express Mail Post Office
to Addressee" Mailing Label
No.

Date 4/14/93

Alex J. Sorenson
(Type or print name of person mailing paper)

Alex J. Sorenson
(Signature of person mailing paper)

3. That the name and address of the depository is:

American Type Culture Collection

name of depository

12301 Parklawn Drive

address of depository

Rockville, MD 20852

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

(complete a, b or c below)

- a. ☒ the depository
- b. ☐ the applicant
- c. ☐ a competent third party

WARNING: If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.

5. That with respect to the permanence of the culture(s) deposit:

(complete any of a, b, or c which apply)

- a. ☒ the depository is an official depository in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☒ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s)

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (MPEP 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122.

- ☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

7. That I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Virginia C. Broudy

Type or print name of person signing

4/8/93

Date

Division of Hematology

P.O. address of Signatory

School of Medicine

University of Washington

Seattle, WA 98195

Signature

Virginia C Broudy

☒ Inventor

☐ Assignee of complete interest

☐ Person authorized to sign on behalf of assignee

(complete the following if applicable)

Type name of assignee

Address of assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on

Reel Frame